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*Reply of Hon. William D. Kelley to George Northrop, Esq.*

IN THE HALL OF THE SPRING GARDEN INSTITUTE FRIDAY EVENING,  
SEPTEMBER 23, 1864.

PHONOGRAPHIC REPORT BY D. WOLFE BROWN.

*Fellow-citizens.*—I thank you for the good order you have preserved. If this discussion can be carried through, a great advance will have been made in. I think I may say, our civilization. If we can inaugurate a system by which the people of both, or of all parties, if there should be more than two in the canvass, shall come together and hear their representatives discuss the questions, the principles and the measures involved, a great improvement in our political machinery will certainly have been made; and I hope that every friend of mine will be as silent throughout the discussion as you have been during the speech you have heard. I am quite sure that those who differ from me in opinion will accord to me the same respectful treatment with which the suggestions of their representative have been received by my friends.

I agree, as does every member of the Administration party, with the first two propositions set down by my distinguished competitor. I am here at his request; I will not say challenged by him, but invited, to meet you and discuss the issues of the day with him. I shall endeavor to do so fearlessly and in the spirit of a patriot, striving only to promote the welfare of my country and yours, the home of our prosperity.

My friend's first proposition is that the "Constitution of the United States, within its limits, is the supreme law of the land, and the only bond of the Union of the States." As I have said, I accept this proposition. It governs the head of the Administration that I support. It controls the conduct of the members of the party to which I belong. I wish you, however, to mark a single phrase, not dropped, but reiterated, and dwelt upon by my competitor, which is utterly inconsistent with this, his leading proposition. I refer to the phrase "Sovereign States." Sovereignty is supremacy. That which is sovereign is supreme; that which is sovereign governs and controls all within the sphere of its jurisdiction. The Constitution of that Nation known as the United States was, from the hour it went into effect, the supreme law of our whole land, and is now its supreme law, and the great issue testing by the American people on the battle-field to-day is, whether that Constitution shall be maintained as the supreme law of the land, or whether it shall be trampled under foot, and each State Constitution be recognized as the supreme law of whatever territory may lie within the limits of that State; the question is whether we have a country, and a Constitution which is the supreme law of that country, or whether the Constitution of the United States is idle words. The supreme law of the land is to be found in conflicting instruments called the Constitution of thirty-five "Sovereign States." Either the Constitution of the United States is sovereign, or it is waste paper; and if it is sovereign, then there can be no "Sovereign States" within the limits of the United States.

My friend's next proposition was (and I accept it, as every school-boy must), "that the only mode by which the Constitution can be altered or amended is prescribed by that instrument itself." This proposition expresses one of the cardinal doctrines of the party I have the honor to represent in this discussion. It is part of the faith of every member, because it is written legibly as type or the human hand can write it in the language of the Constitution.

Now, my fellow-citizens, as my competitor and I agree, and as you all agree, that the Constitution is the supreme law of the land, let us ask, what is the extent of that land? On the inauguration of James Buchanan's administration, it consisted of certain States and territories. Among the States were South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and Texas. Among the States were also Arkansas, Delaware, Kentucky, Maryland, Missouri, North Carolina, Tennessee, Virginia; and there was the District of Columbia. These States and that District, in conjunction with the Northern States and our broad territories, made the land of which that Constitution was the supreme law. Yet during the administration of James Buchanan, there was an attempt made to rob that Constitution of its supremacy over all the States I have named and the District of Columbia, the capital of the country. On the eighth of February, 1861, and I wish you to bear in mind that Abraham Lincoln did not become President till the fourth of March, 1861, in utter disregard of the

Constitution of the United States, a Confederacy, consisting of South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and Texas, was organized in the city of Montgomery, in the State of Alabama; under articles known as the Constitution of the Confederate States of America; and on the next day those who had organized it proceeded to elect Jefferson Davis, of Mississippi, President of that Confederacy, and A. H. Stephens, of Georgia, Vice-President. My distinguished friend has put a list of questions to me, which I shall answer as I proceed. But I have to ask him to point me to the clause in the Constitution which authorizes the amendment which proposes thus to restrict its supremacy to less than half our country. Where in the scope of that instrument—by which one of its articles—by what clause of that article—were those men authorized so to amend our Constitution that it should not cover any one of the eight States embraced in the Confederacy? But again in a few days there appeared in council with the men who organized that Confederacy representatives from Arkansas, Kentucky, Missouri, North Carolina, Tennessee, and Virginia, and they proposed to so further amend the supreme law of our country, that it should be no law at all over nearly a million of square miles of that country; and I again ask the gentlemen to point me under his two first propositions, to the provision of the Constitution under which those important amendments were made.

Whose country was it that these felonious conspirators undertook thus summarily to dispose of? Our ancestors acquired part of it by the right of settlement. They came pilgrims to an inhospitable coast. They made their homes among the savage Indians. They endured the tempest-tossing of the Atlantic in the little barks, called ships at that day, and they dotted the hard and rock-bound coast of that ocean from Plymouth Rock to Oglethorpe's community in Georgia. They and their posterity, and others like themselves, escaping from the despotisms of Europe, from poverty and want, came and settled this country. In the course of years they reduced the wilderness, they built the village, the town, the city; they reared the school-house, the church, the college; they made roads into the wilderness and followed them by settlements. They extended their boundaries and became a great people. When the mother-country undertook to control them improperly, they went to war in vindication of their rights, and during eight long years they sanctified that country to us by pouring out their taxes, their blood, their lives, alike upon the hills of hated New England and the plains of pestilent South Carolina. The sons of New England died everywhere in that war; and here on the soil of our own great State the men of the South and of New England fought together upon common territory belonging specially to neither. After eight years of war, and taxes, and death, liberty was achieved, and a Constitution framed, deliberately framed, in our own city; it was submitted to the people of the States, and one after another of those States adopted it; the Southern States, at least Georgia and South Carolina, coming in among the latest. It was, however, adopted by the people of all the States, and from that day it remained the supreme law of those States and all the territory belonging to them, and all the territory they might acquire. Subsequently to that, it was found that Spain held a province that might be dangerous to our peace. The American people—not the people of the Southern States—still less the people of that province or of the adjoining States alone, but the American people, acting by the United States Government, with money paid out of the common treasure, bought Florida from Spain. The Emperor Napoleon held another territory, that which in part bounded the Gulf, and held the key to the great arterial river of our country, the Mississippi. While a foreign nation held the mouth of that river, the resources of the Northwest might at any time be crippled. That river was the outlet to the sea for the great and rapidly expanding Southwest. Through that river and over the Gulf of Mexico the products of the Mississippi valley and of the Northwest were to find their way to market; and over that river the articles imported into that extended region were to come; for in those days the railroad system was unknown. Thus, unless the United States possessed the full control of the outlet to the Mississippi the great Northwest might be shut out from the commercial world. Its produce could not be waggoned thousands of miles and over the Alleghany Mountains to the sea coast. Therefore the United States Government bought Louisiana from France as it seventeen years afterward bought Florida from Spain—the people of New England, Pennsylvania, New York, and every other Northern State paying their proportion for the purchase as well as those of South Carolina and Virginia. It was, you perceive, our property, my fellow-citizens, that those conspirators thus attempted to transfer to a foreign government. We, or our ancestors, bought it, our government being the agent in the purchase.

Again: there lay contiguous to Louisiana an empire equal to six of the largest States of the Union. It bounded the gulf whose freedom is so essential to the development of our country from the Sabine to the Del Norte. It had been wrested from a neighboring government, Mexico, by our own people, who had gone there and settled, and had come to be known as the State of Texas. We admitted that State into the Union, and that act led to war with Mexico. So that, though we had paid for it in money, by the assumption and extinguishment of its enormous debt, we paid for it again in the blood of our sons and brothers, shed on the fields of Mexico. The expenses of the Mexican war in blood and treasure were but part of the price the people of the North paid for Texas.

Whether the Constitution of the United States is the supreme law of those States, or it is not, is the question to be settled by our armies or by us at the coming election. If it is not, why is it not? If it is not, when and how did it cease to be?

What provision does the Constitution make for its own amendment? It provides that Congress may, by a two-third vote of each House, propose any amendment which shall be submitted to the States, and when the Legislatures of three-fourths of the States, shall have adopted it, or when conventions of those States, having been called for that purpose, shall, to the number of three-fourths of the whole number of States, have adopted it, then and then only the amendment shall become part of the Constitution. I do not think that I have slept as long as old Rip Van Winkle did, and therefore I do not believe that the Constitution has been so amended as to relieve the so-called Confederate States from its supreme jurisdiction. I certainly have never heard that Congress, by a two-thirds vote, proposed an amendment restricting the action of the Constitution to the north side of the Susquehanna and Ohio Rivers.

I do not remember that such an amendment to the Constitution was ever submitted to the Legislature of Pennsylvania and adopted by it. If I have slept through so important an era of our history I pray some of you to tell me so. Does any man here know of the Constitution having been so amended as to allow all the States south of Pennsylvania, Ohio, Indiana, Illinois, and Iowa, to pass from under it? If no man here knows it, and if my distinguished antagonist cannot tell us when it happened, I take it for granted that it never happened, and that the Constitution of the United States is still the supreme law of our whole country; and that when James Buchanan and Abraham Lincoln, in the same phraseology, before the same God and people, swore to "preserve, protect, and defend" it, they bound themselves by oath to maintain its supremacy over every acre of our country. Am I wrong? I think not.

I did not agree that I would answer every metaphysical question which my friend might put to me. I agreed to meet him and to discuss the principles and measures of our parties respectively, and apply those principles to the great issues of the day; but I think that if I demonstrate that our party is standing by the Constitution, the unity, and the flag of the country, and that the party which he represents has deliberately assented to the dismemberment of the country, I shall effectually answer all his questions. Each one, however, shall receive attention as the discussion progresses.

In 1832 there was a Democratic Administration presiding over the country. The dream of a Southern empire influenced leading minds of the South at that time. For, gentlemen, this rebellion, the conspiracy which is now attempting to dismember our country and overturn its Constitution, has engaged the attention of two generations. It engaged the best years of the later life of John C. Calhoun and his compeers in South Carolina, and some other of the Southern States. In 1832 South Carolina determined to show that that State was "sovereign," and passed an ordinance by which she undertook to nullify and set at naught within her limits a law of Congress known as a Revenue Law. She assembled what she called a "sovereign convention," and that convention passed an ordinance of nullification. Word was brought to the then Democratic President, Andrew Jackson, that the ordinance of nullification had been passed. What did that distinguished Democrat do? Did he send into Congress a message saying that he had no right to coerce a State? Did he send into Congress a message saying that the Constitution of the United States was not ample for its own protection? James Buchanan did thus at a later day, but Andrew Jackson did quite otherwise. He issued a proclamation to the people of the State, reminding them of their duty to the Constitution, holding up before them the greatness of their country and its resources—showing how Heaven had enriched it; pointing them to the magnificent growth of the country under republican institutions; telling them that the people had elected him President, and that on the inauguration day he had sworn to preserve, protect, and defend the Constitution and enforce the laws of the United States, and that that oath should be regarded, the Constitution defended, and the laws enforced.

General Winfield Scott was then thirty-two years younger than he is now; and President Jackson ordered him to the city of Charleston with the army of the United States. He ordered all the forts in front of the city of Charleston to be reinforced, and to be put under armament. He ordered the Secretary of the Navy to disengage all the available vessels, and lay them along the coast, so that, if South Carolina should undertake to put its foot on the Constitution he should blow her "sovereign" brains out! That is what Andrew Jackson did, when the people of South Carolina undertook to show their "sovereignty" by merely trampling on a law. Now they do it by tearing the Constitution into fragments, appropriating our country to their own exclusive use, without even proposing to refund us the money we have expended in its purchase and improvement.

Let us briefly contemplate some of the results of their action.

The Constitution of the United States provides that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." I am a Philadelphian. I was born here; schooled here; I learned my trade here. As I approached manhood I went to Massachusetts. At the end of one year I was, under the Constitution of the United States, a citizen of Massachusetts, and as such took part in the Presidential election. You,



my fellow-citizens, were born, perhaps, in New England, or in a Southern State, and under the Constitution of the United States are a citizen of Pennsylvania, and at the coming election may vote as a citizen. We all have the right, under the Constitution, to settle in Maryland, in Virginia—ay, even in South Carolina, if it be to our taste.

The Constitution, as we have seen, gives each and every one of us that is a citizen of any State the privileges and immunities of citizenship in Texas, and in every State lying between her and Pennsylvania. Our money and our blood bought three of them; and as you know our money has built fortifications and arsenals and custom-houses and post-offices and marine hospitals, and all other national establishments throughout those States. Will my distinguished competitor, I again ask, tell us when and where and how the Constitution, in accordance with its own provisions, was so modified that we are no longer entitled to citizenship in those States, and that the custom-houses, and forts, and arsenals, &c., that we paid for, belong to a foreign people and government? Is South Carolina part of our country? Abraham Lincoln thinks it is, and so do you. Have you never heard of the healthful qualities of the climate of Florida? You have a sick daughter—a fair girl sinking into the consumption; the disease is developing in her tender system; the doctors order her to a more genial climate. You say that you will take her to Florida, where the temperature seldom varies ten degrees, and where, it is said, the atmosphere is an almost sovereign balm for incipient consumption. It is your right to take her there; and I leave it to my distinguished competitor to show by what clause of the Constitution Jefferson Davis and his armies deny you the exercise of that right.

You, young mechanic, who have no capital but your skill and health—who are tired of labor in the contracted workshop and of life in the compact city, you dream of owning a herd of cattle upon a broad prairie. Under the Constitution of the United States and the beneficent legislation of the first "Lincoln Congress" you have a right to go to Texas, or any other State in which there are public lands, and, under the Homestead law, settle on one hundred and twenty acres, if you have a wife, or if you are a single man, on eighty acres of the best land you can find. If you have children, the law gives you one hundred and twenty acres for yourself and wife, and ten for each of your children. That land in Texas or any other State is yours; all you have to do is to go and settle upon it. Ay, say you, "but Jefferson Davis won't let me!" That is so; and my patriotic competitor says that President Lincoln is violating the Constitution by trying to drive Jeff's soldiers out of your way, that you may go and "walk in glory behind the plough" on your own broad acres.

Where is the power, my laboring friend, to divest your personal interest in the public lands under the Homestead Law? Where is the power to rob us, American citizens, of the glory our ancestors achieved on Entaw's field and Camden's plain? Where is the power to rob us of the treasure we invested when we acquired Louisiana, Florida, and Texas, and involved ourselves in the Mexican war?

"Ah! but," says my friend, "this is your doings, you Abolitionists and Republicans." Let us see how that is. I ask you, my Democratic townsmen, who was President on the eighth of February, 1861, when the Southern Confederacy was organized? Who was President on the twenty-first of December, 1860, when South Carolina seceded? Was not James Buchanan? Had he not for his Cabinet Howell Cobb, of Georgia, and John B. Floyd, of Virginia, and Isaac Toney, of Connecticut, and Jeremiah S. Black, of Pennsylvania, and Jacob Thompson, of Mississippi, and were not they and their associates all Democrats? Was not what they did the doings of the Democratic party? And did not the party turn out of its ranks every man who did not stand up for and sanction what the Buchanan administration did?

On the 21st of December, 1860, South Carolina passed her ordinance of secession; but she did not do it until James Buchanan, President of the United States, and the acknowledged head of the Democratic party, had announced to the Southern people his belief in their right to secede, and had told every loyal, Union-loving man in the Southern States that, in the event of his State's seceding, if he dared to hold on to the Union, he must expect no protection from the National Government, but would be handed over to the tender mercies of his State or any confederacy that might be built upon the ruins of our Union; and in order to strengthen this warning, had coupled with his message the opinion of his Attorney-General, Jeremiah S. Black, sustaining it. That message was sent to Congress three months before Abraham Lincoln became President of the United States.

James Buchanan and the Democratic party so understood the Constitution. I do not blame them. I do not blame the Millerite for his faith, though he does not go up at the expected time, but still believes that he will go up some time. I do not blame the Mormon, if he is honest in his faith, though I censure his practices. I do not blame these leaders of the Democratic party for their faith; they honestly believe that the Constitution of the United States is a rope of sand, and that whenever a State wants to go out of the Union, she can. That is their faith; they have a right to it; but I am not willing to let them dissolve the Union to gratify their vagaries. What I complain of is, that while holding to these baleful tenets, they humbug masses of their party by uttering delusive phrases about maintaining and defending the Union and the Constitution. If the leaders of the Northern Democracy had not believed the doctrines announced by Mr. Buchanan, they would have abandoned him and his Administration when he sent in his message of the 4th of December, 1860; but, on

the contrary, those members of the party who dissented from his new-found faith were kicked out—Forney, and others able and brilliant as he, among the number.

Let me demonstrate the truth of my assertion by reading from the message of James Buchanan, communicated to Congress on the 4th of December, 1860:—

“The question, fairly stated, is: Has the Constitution delegated to Congress the power to coerce into submission a State which is attempting to withdraw, or has actually withdrawn, from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and make war against a State. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress, or to any other department of the Federal Government. It is manifest, upon an inspection of the Constitution, that this is not among the specific and enumerated powers granted to Congress; and it is equally apparent that its exercise is not necessary and proper for carrying into execution any one of these powers.”

Now, that either was or was not the doctrine of the Democratic party as an organization. Let us test it. Is not James Buchanan in full faith and communion with the Democratic party to-day? Does not he support the Chicago platform and nominees? And have not the party expelled from its ranks every man who dissented from the doctrines and measures of Buchanan and his Administration?

Accompanying that message of James Buchanan was the opinion of Judge Black, his Attorney-General, in which that eminent friend of Pendleton and McClellan said: “If it be true that war cannot be declared, nor a system of general hostilities carried on by the central Government against a State, then it seems to follow that an attempt to do so would be *ipso facto* an expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union by unconstitutionally putting strife and enmity and armed hostility between different sections of the country, instead of the ‘domestic tranquillity’ which the Constitution was meant to insure, will not all the States be absolved from their Federal obligations? Is any portion of the people bound to contribute their money or their blood to carry on a contest like that?”

Now, I say that James Buchanan and Jeremiah S. Black, and the Democratic party of the North, that sustained them, in the promulgation and support of the message and opinion from which I make these extracts, served notice on the Union men of Virginia, and Tennessee, and Missouri, and all the Southern States, to this effect: “If the majority of the people of your respective States want to secede, we will let them; and if you resist them and try to keep the State in the Union, you do so at your peril, for there is no power in the Constitution to prevent secession, or under which we can or will protect you.” My Democratic friends, is not that true? Did they not thus invite the dismemberment of your country? Did they not impel and encourage the Southern conspirators to rob you of more than half of your national birthright?

Is the Constitution the supreme law? Did Gen. Jackson understand the doctrines of the Democratic party when he said, “The Union must and shall be preserved”? If he did, Abraham Lincoln is bound to preserve the Union, and every honest Democrat should sustain him in the effort, for every inch of that Union is our country, and over all the Constitution which he has sworn to maintain and defend is the supreme law. The truth is, my fellow-citizens, that since 1847 the Democratic party has abandoned its old faith. I belonged to that party. I grew to manhood in it, and devoted the best years of my life to its interests, and on the very day when I ran as an independent candidate for Judge I voted for William Bigler and the whole Democratic ticket except that for the judiciary. In 1852 I worked and voted for the election of Pierce and King. It was not till I discovered that the doctrine of Calhoun, which Jackson supposed he had crushed, had got control of the party, that I abandoned it and went forth to resist its great power for evil.

I have, however, only shown you what the doctrines of that party were. Now let me show you the practical effects of those doctrines, how, by withholding from the Union people of the South the support of the Government, the Democratic party forced the contemplated separation of our country. When the eight States met to organize a Confederate Government, they represented 2,656,948 white people, and 2,312,046 slaves. The Southern States that did not go with them at that time contained 5,633,005 white people and 1,638,297 slaves. So that of the people, who composed that Confederacy, black and white, bond and free, there were 4,968,994, while of those who then refused to go into it there were 7,271,302. And had James Buchanan and the Democratic party adhered to the old Jacksonian Democratic doctrine, and announced that the Union must be preserved, that the Constitution was the supreme law of the land—had President Buchanan ordered General Scott, old as he was, to concentrate the army in the North, and to reinforce Sumter and all other forts on the Southern coast, and ordered the Secretary of the Navy to concentrate the Navy on our coast—said to the Union men of the South, as Jackson did in his proclamation, stand true to your country, its Constitution and its flag, and we will sustain you, no State would have seceded—no foreign Confederacy would have been reared upon our soil—no war would have deluged it with blood. That was the time to prevent war. This was the way to prevent it. But the new faith of

these new leaders of the party would not permit them to act thus. What did they do? South Carolina, as I have said, seceded on the 21st of December, 1860. When the news was carried to Mr. Buchanan, did he, as old Jackson did, straighten himself up, point to the heavens, and swear by the Eternal that the Union should be preserved? No; take up the files of your Democratic newspapers and read, and you will find that he sat in the executive chamber like an old woman crying. Every day the telegraph brought us intelligence of the new floods of tears that the Democratic president was shedding. He assumed the attitude and aspect of a dejected old woman, and cried: "Oh, dear me! you ought not to do it; but oh, dear me! I have not the power to prevent or to punish you." So the work of the attempt to sever the grandest country God ever gave to man, and to abolish that miracle of modern civilization, the Constitution of the United States, went on.

But more than this, that Democratic Administration, with the sanction of the party that brought it into power and sustains the Chicago platform and nominees, armed the rebels and gave them a navy. John B. Floyd, of Virginia, was Secretary of War, and had charge of our arsenals and our armories. He sent into the seceding States from every Northern arsenal and armory every available gun, pistol, cannon, sword, or set of uniform. Don't you remember, my friends, that the last heavy guns that were being shipped were stopped by the patriotic citizens of Pittsburg, among them the venerable Judge Wilkins—that distinguished Democrat, whose career in the United States Senate still reflects lustre upon our State—that distinguished statesman, now tottering toward the grave, presided over the meetings of citizens that stopped those cannon. They were law-abiding citizens of Pennsylvania, and they telegraphed to the President, saying that they had arrested certain heavy guns, in transitu, because they believed they were being sent to a Confederacy that was being established upon our own soil in violation of our Constitution, and they were determined that those guns should not go for any such purpose. What did Messrs. Buchanan and Floyd, speaking for the Democratic administration, reply? They replied that the guns in question were on their way, under the orders of the Secretary of War, to a new fortification on Ship Island. Now, let me ask whether there is a soldier here who has been to Ship Island? If there is, I wish him to say so, for I want him to make a brief part of my speech. There is no fortification on Ship Island; there was no fortification on Ship Island; there was no contract for a fortification on Ship Island; there had never been an order issued to build a fortification on Ship Island. The story was a lie. It was one of the nefarious practices by which the people of the eighteen States of the North were stripped of arms and the rebels of the South furnished with the means to overawe and intimidate the Union men of the Southern and Border States, and ultimately make war on us.

What did your Secretary of the Navy do—your Democratic Secretary of the Navy? He is a Northern man; he is a son of despised New England—the "land of Abolitionists!"

And here, by the way, I must make a brief digression; I must, as a Pennsylvanian, protest against my friend robbing Pennsylvania of the brightest jewel in her coronet and throwing it at the feet of New England.

The doctrine of man's absolute right to wages for work did not spring from New England; I claim it as a great Pennsylvania truth. While yet the Revolutionary war was pending—on the 1st of March, 1780, three years before the declaration of peace—the Legislature of Pennsylvania passed an act by which slavery was "extinguished and forever abolished" within the limits of the Commonwealth. It was done in grateful recognition of God's goodness in securing the near prospect of speedy freedom to all the people of that State. And in the literature of America, there is no prouder or grander chapter than the preamble to that law which secures to every laboring man, woman, and child within the limits of our own dear Pennsylvania, wages for their work—which secures to all the people of the State the rite of marriage, and raised from their degradation, thousands of women who were compelled to live in prostitution that their wealthy owners might sell their children like sheep at the shambles. To Pennsylvania, our own State, sir, belongs the honor of establishing, by special law, human freedom, and the right of the laboring man to his wages; and I will not, without an earnest protest, allow any man to deprive my ancestors of their share in so great an honor. But to resume: What did your Secretary of the Navy—a son of despised New England—do? Our navy consisted of 69 vessels, manned by 7000 men, exclusive of officers and marines. It carried 250 guns of different calibre. What did your Secretary of the Navy do with them—vessels, men, guns and all? Knowing that a foreign government was organizing within the limits of our country; knowing that John B. Floyd avowed his allegiance to it and had armed it; knowing that he had handed over your army to it as prisoners (for under Twiggs he surrendered one half, and under Canby he compelled the surrender of nearly the other half, so that before Abraham Lincoln became President, the Confederacy had some eight, ten, or twelve thousand prisoners, whom they paroled) what, I ask, under these circumstances, did this Democratic Secretary of the Navy do to maintain the Constitution and unity of our country? Did he send the largest vessels of the navy into the Delaware or the Hudson, or to Charlestown, Mass., or to Kittery and Portsmouth, upon the confines of the two States of Maine and New Hampshire? Oh, no, my fellow citizens: he was in the conspiracy to divide and dishonor your country. He was of the cabinet that agreed to James



Buchanan's message of December, 1860, announcing to the Union men of the South that the government would not protect them. Under his direction, the twenty seven largest vessels of our navy were dismantled or laid up in ordinary in Southern yards, within the limits of the proposed Confederacy. Thus did James Buchanan and his Democratic cabinet, their conduct being approved by the Democratic party, hand over our patrimony and the means of defending it, to avowed conspirators who were forming a foreign government on our soil. But what did the Democratic Secretary of the Navy do with the rest of our vessels? Did he send them into our Northern yards? No; he sent them to the coast of Africa; to the far Pacific; to the Mediterranean; to the Indian ocean; in a word, to the most distant stations to which armed vessels had ever borne the flag of our country: so that, when Abraham Lincoln became President, he had at his immediate command in the yards of the North, but the four smallest vessels of our navy, manned by 250 out of the 7,000 men, and carrying less than 25 out of the more than 250 guns.

The Constitution of the United States is the supreme law of the land; but you must not enforce it, for fear you offend the people of the South! That is the doctrine of the Peace Democracy. The Constitution of the United States is the supreme law of the land; but, but, but, you must not enforce it. If you will only coax the men of the Southern Confederacy abjectly enough, they will come back to the Union without this war! At least we think they will, and we are pretty sure they will, if you will go for the "Union as it was," without New England. General Jackson did not talk that way—he said: "The Constitution is the supreme law of the land; and if you attempt to trample upon it, I will blow you into eternity." Jackson's is the Lincoln doctrine of to-day. We mean to maintain the supremacy of the Constitution; and when the war is over, if it needs amendment, we will do what the Republican party proposed to do before this war began. My friend forgets that, to appease these people whom the Democratic party of the North were hissing on to war—whom the Democratic party were arming and providing with a navy—we united in a resolution to amend the Constitution, so that by no future amendment could slavery ever possibly be interfered with by the people of the North. That proposition passed both houses of Congress, many Republicans in both houses voting for it. It passed the Senate by 24 to 12 and the House by 133 to 65, largely more than the requisite two-thirds vote, and by the generous support of the Republican party. I claim to belong to the Abolition section of the Republican party. I do not believe that any man has so good a right to a babe as the woman who carried it for nine months, and suffered the pangs of maternity in giving it birth. I believe that every man, whether his father under the barbarous laws of the Northern States might sell him on the auction block or not, is entitled to wages for all the work he does. I do not believe that one man has a right to be lord and master, and hold others as his slaves. And I despise the system under which a heartless and sensual aristocracy have been in the habit of selling their daughters into whoredom and their sons to lives of unrequited toil. In so far, I am what they call an abolitionized Republican; and many members of the wing of the party to which I belong, in the hope of securing peace, sustained the proffered amendment, whereby the Constitution would have been peaceably amended, and it would have been made impossible through all time, for the people of the North to free a slave.

My friend's third proposition is that "Whenever any department of Government exercises any power beyond or antagonistic to the Constitution, it is revolution."

This is certainly novel, and rather startling doctrine. It comes from the modern school of Democrats. There used to be great discussions about the Constitution between Henry Clay and Daniel Webster on the one hand, and certain Democrats of the Calhoun school on the other; and in those good old days, the theory was that if Congress or any administration should at any time adopt an unconstitutional measure, the people would rally in their might at the next election and turn out of office those who had made the mistake or perpetrated the wrong; and that in the meantime those who thought the act unconstitutional and were injured by it should raise the question before the Supreme Court of the United States and have it decided. Now sir, what is the Supreme Court of the United States for, and why have we elections recurring at such short intervals if the object be not to guard against any enduring reason for rebellion or revolution? The object in limiting the Presidential term to four years and the Congressional to two was that, if anybody who might get into power should behave badly, we might have an early opportunity to turn him out. The Supreme Court was provided, so that if Congress should pass an unconstitutional law, and the President approve it, that tribunal might declare it unconstitutional and set it aside. So the patriots who framed our Constitution vainly imagined that they had made a frame of Government under which rebellion and revolution would be impossible. Not so, according to the doctrine of my distinguished adversary. He argues that whenever an unconstitutional law is passed, it is revolution, and anarchy follows, and war is the just consequence. If that be correct doctrine, pray what is the use of the Supreme Court? It has no place in his theory of our Government. My friend has put a string of questions to me, and he will allow me to put one to him: According to his theory, what is the use of the Supreme Court of the United States, and why have we provided for elections at intervals, in no case greater than four years? I say that the framers of the Constitution never dreamed that a doctrine such as that announced by him would be propounded by any

party in the country. They gave the people frequent elections, an ample and beneficent judicial system, and provided methods by which the Constitution could be peaceably amended, and supposed that they had made the internal peace of the country enduring as its mountains. The thought of secession, rebellion or revolution never disturbed them. John C. Calhoun, in 1847, introduced it into the Senate of the United States, embodied in certain resolutions, which Col. Benton moved at once to lay on the table. Calhoun looked at him with that calm eye of his, and said: "I am happy to hear from the gentleman; I shall know where to find him." "Yes, sir," replied Old Bullion, "you may always know where to find me. You will always find me on the side of my country. I am glad you-know it, sir."

In 1848 the Democratic Convention assembled at Baltimore, and I went there to help make the nominee. I saw Wm. L. Yancey, Calhoun's ablest disciple, arise in that Convention and submit to its consideration Mr. Calhoun's dogma, which had been so promptly tabled at the previous session of the Senate. I saw the question brought to a vote in that grand Democratic Convention, which embraced delegates from every Southern State—South Carolina, Mississippi, Arkansas, Georgia, and all the rest; yet among them all there were but 36 Southern men to vote for the doctrine which my friend propounds as the doctrine of the Democratic party to-day, to wit: that the Constitution of the United States contains the seeds of its own destruction; and that any State that may believe an act to be unconstitutional need not wait till the Supreme Court has passed upon the question, but may go out of the Union, and may rob you of your interests under the Homestead Law, and under the Constitution of the United States, which gives you citizenship in each and every State.

The despised and rejected heresy of 1847-8 is the ruling doctrine of the Democratic party to-day, and when, in the Chicago Convention, they pledge themselves with "unswerving fidelity to the Union *under the Constitution*," they avow to all knowing men just that doctrine. They declare that "in the future, *as in the past*" (mark you, *as in the past*), "we will adhere with unswerving fidelity to the Union under the Constitution, as the only solid foundation of our strength, security, and happiness as a people, and as a framework of government equally conducive to the welfare and prosperity of all the States, both Northern and Southern." Now, we of the Administration party are for the Union unconditionally until this war be terminated; and then, if any man has violated the Constitution, we will take him before the courts of the land, and punish him. But while there is war-making upon us, our great object is to maintain our country; for it is no odds what the Constitution is, if we have no country for the Constitution to operate upon. Therefore, in order to have the benefit of the Constitution, we mean to maintain the integrity of the country, that our posterity, dwelling in that country, shall enjoy the benefit of the Constitution.

I have shown you, fellow citizens, that James Buchanan, and John B. Floyd, and Howell Cobb, and Isaac Toucey, and Jeremiah S. Black talked about "the Union under the Constitution;" they had sworn, all of them, to preserve, protect, and defend the Constitution. I have read you Mr. Buchanan's reasoning as to what are the powers of the government under the Constitution. I have read you his attorney-general's opinion on that subject, and thus shown you that the phrase "the Union under the Constitution" means the Constitution as the Democratic party understand it; that is, with the right of secession in it. Is it not so? Do they mean "the Union under the Constitution," as Webster understood it, as Clay understood it, as Jackson and his cabinet understood it—the Union with vital power in the Constitution to defend the Constitution and maintain the Union? or do they mean "the Union under the Constitution" as it was understood by James Buchanan, and Howell Cobb, and Jeremiah S. Black, and John B. Floyd, and Isaac Toucey, and as it is understood by my competitor here, who has no fault to find with Mr. Buchanan's Administration? If they mean "the Union under the Constitution," as they understood it, why shall they make war now to maintain what they would not make war to keep? Why shall they not give back to the rebels what they regard as their territory? Did they not give them arms to defend it? Did they not give them a navy to defend it? Did they not surrender to them the United States army, lest it might be used to deprive them of that territory? Did they not strip you of arms, ammunition, soldiers, and ships? Why will they not, then, adhere in the future to the same policy which they practised in 1860, let the whole thing go, and declare that the Constitution is a rope of sand?

When my distinguished friend shall have answered my questions as to when the Constitution was so amended that its powers were restricted to the territory lying north of Maryland, Virginia, Tennessee, Kentucky, and Missouri, I will proceed to do me the honor to propound to me.

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